IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Bail Appl..No. 3676 of 2007()

[CRIME NO.120/2007 OF ARANMULA POLICE STATION]

.....

PETITIONER/ACCUSED

KRISHNADAS @ MOTTA, S/O.SETHUMADHAVAN,
AGED 22 YEARS, MANIMARKULAMBU VRINDAVAN,
ETHANNUR P.O., KODUVAYOOR, PALAKKAD DISTRICT.

BY ADV. SRI.JOHNSON P.JOHN
SRI.BABY MATHEW

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
ARANMULA POLICE STATION,
PATHANAMTHITTA DISTRICT.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.3676 of 2007

Dated this the 19th day of June 2007

O R D E R

Application for regular bail. The petitioner faces allegations under Section 379 I.P.C. The crux of the allegations is that a car belonging to the defacto complainant was thieved on 09/03/2007 from his possession. The crime was registered. Investigation is in progress. The petitioner was arrested in another case. That was an offence under the Abkari Act. The thieved car was seized from the possession of the petitioner. On coming to know of this case, a production warrant was issued and the petitioner was remanded to custody in this case on 22/4/2007. The petitioner continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. It is prayed that the petitioner may now be enlarged on bail. The learned Public Prosecutor, on the other hand, opposes the application. The learned Public Prosecutor submits that the investigation is not complete. Release of the petitioner at this early stage would

hamper the investigation. The petition may be dismissed, submits the learned Public Prosecutor.

3. I find merit in the opposition by the learned Public Prosecutor. In the nature of the allegations and the sequence of events, I am satisfied that the petitioner is not entitled to enlargement on bail at this early stage. The police, in a case like this, must certainly be given reasonable further time to complete the investigation.

4. In the result, this petition is dismissed. However, I may hasten to observe that the dismissal of this petition will not in any way fetter the rights of the petitioner to claim release on bail by default if the final report is not filed within the period stipulated under Section 167 Cr.P.C.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007